

G. FRED METOS - 2250
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**IN THE UNITED STATES DISTRICT COURT IN AND FOR
THE DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES OF AMERICA, :
Plaintiff, : **POSITION OF DEFENDANT WITH**
v. : **RESPECT TO THE FACTORS**
TAMMY SHUMWAY, : **DESCRIBED IN THE**
Defendant. : **PRE-SENTENCE REPORT**
: **Case No. 2:08 CR 631**

Guideline Calculation

The defendant, Tammy Shumway, by and through her attorney of record, G. Fred Metos, has no objection to the offense level or criminal history calculations reflected in the pre-sentence report.

Background Information

In a debriefing with federal law enforcement agents on March 29, 2010, the defendant described the incident referred to in paragraph 58 of the pre-sentence report. She indicated that she and Marti Althoff had stopped at a national park near Flagstaff, Arizona. They were walking in a restricted area and the defendant had picked up a piece of flint. They were stopped by a park ranger and told to leave the area. She denied that the two had engaged in any digging and indicated that

neither had shovels or other digging tools. (She has denied digging in ruins with human remains.)

She thought the incident was significant because Ms. Althoff had an outstanding arrest warrant.

Because the ranger's radio would not work, the warrant was not discovered.

DATED this 18th day of June, 2010.

G. FRED METOS
Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was mailed/hand delivered on this 18th day of June, 2010, to:

Richard McKelvie
U.S. Attorney's Office
185 South State Street, #300
Salt Lake City, Utah 84111
